

# **Exhibit 4**

Initial Drafting

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**From:** Geoff Baker [gabaker@dowellbaker.com]  
**Sent:** Saturday, March 08, 2008 1:47 PM  
**To:** 'Edward Manzo'; 'Vernon Francissen'; 'Robert M. Karton'  
**Cc:** 'Joel Bock'; 'Louis Alex'; 'Jason Smalley'  
**Subject:** RE: Miyano Defendants' Answer to Complaint  
**Attachments:** email to manzo 03.04.08.pdf

Ed,

I'll try to be mindful of your name. Since I come from a large family, I sometimes make mistakes with people's names. In any event, please accept my apology.

On substantive matters, your client moved for a preliminary injunction. You and your client have not acted with any expediency to our requests for discovery related to your preliminary injunction motion. We expected that you would quickly and completely respond to our discovery requests related to your preliminary injunction motion. Likewise, we expected that because you moved for a preliminary injunction, you had no need for discovery from our side (e.g., documents and initial disclosures). Despite the unusual nature of your seeking expedited discovery after having moved for a preliminary injunction, we are willing to provide you with responses to your written discovery in accord with the federal rules. Regarding your request for a specific date by which initial disclosures should be exchanged, we can do that by March 21.

Turning back to the discovery that you owe us and your preliminary injunction motion, since you have not acted with the expediency attendant the exigent relief that you seek, we will need additional time to respond to your motion. We did ask for an extension until April 18, 2008. See attached email. We take it from your email yesterday that you will not agree to that date. We will seek the Court's assistance based on your refusal to allow us the necessary time – not to mention the necessary discovery.

Geoff

Geoffrey A. Baker  
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**From:** Edward Manzo [mailto:[emanzo@cookalex.com](mailto:emanzo@cookalex.com)]  
**Sent:** Friday, March 07, 2008 5:06 PM  
**To:** 'Geoff A. Baker'; 'Vernon Francissen'; 'Robert M. Karton'  
**Cc:** 'Joel Bock'; 'Louis Alex'; 'Jason Smalley'  
**Subject:** RE: Miyano Defendants' Answer to Complaint  
**Importance:** High

Dear Geoff,

First, my name is not Bob; it's Edward. I think Bob is a very nice name, and I am flattered, but unfortunately it is not my name, and I have never known "Bob" to be the short form for "Edward." Moreover, this is the second time that you have addressed me as someone else (you called me Jason the last time), and I am hoping that by alerting you to this, maybe it won't happen again.

Second, when we asked you on Monday for an agreed date for initial disclosures and suggested today or Monday, you

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only agreed to "consider it" but never responded. When we ask for other things, you agree to "consider it." You never actually respond or agree. Now again, you say that you will get back to us "as soon as we can" regarding the problems we identified with the pleading you filed. We have a deadline to file a reply, and your response is just not good enough, and we will file appropriate motions if we do not receive adequate responses from your group in timely fashion.

So far, only plaintiff has actually made discovery. You've not. I am not sure that we have any obligation to make any discovery until initial disclosures are exchanged, but in any event we have given you discovery of documents and produced two witnesses for deposition. At the second deposition (of a service manager) your team of four attorneys appeared. You can handle your side of the case any way you want, but we wonder why at least one or two of them were not working on producing the documents we noticed defendants to produce to us on Monday, March 10.

We have been working on some of your requests regarding the Japanese personnel you have asked for, and we will respond to you shortly. We have made progress on this.

However, you now ask for an extension to respond to the preliminary injunction motion from March 12 to April 8 – a date you had not previously mentioned. We were under the impression you wanted a couple more days, not a month. We certainly do not agree to enlarging the schedule that much and look forward to your responsive brief on the date ordered by the court.

Sincerely,

**Edward D. Manzo**  
Attorney at Law  
[emanzo@cookalex.com](mailto:emanzo@cookalex.com)

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Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

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**From:** Geoff A. Baker [mailto:[gabaker@dowellbaker.com](mailto:gabaker@dowellbaker.com)]  
**Sent:** Friday, March 07, 2008 4:33 PM  
**To:** Edward Manzo; Vernon Francissen; Robert M. Karton  
**Cc:** Joel Bock; Louis Alex; Jason Smalley  
**Subject:** RE: Miyano Defendants' Answer to Complaint

Bob,

We will take a look at these items and get back to you as soon as we can. However, we may not be able to meet your arbitrary deadline to get back to you.

On a separate set of items in this case, we have yet to receive a response to numerous communications dating from late February through March 4. Please respond to all outstanding items at your earliest convenience - particularly whether you will agree to move the response date back to April 8.

Geoff

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**From:** Edward Manzo [mailto:[emanzo@cookalex.com](mailto:emanzo@cookalex.com)]  
**Sent:** Fri 3/7/2008 2:05 PM  
**To:** Geoff A. Baker; Vernon Francissen; Robert M. Karton

3/12/2008

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**Cc:** Joel Bock; 'Louis Alex'; 'Jason Smalley'  
**Subject:** Miyano Defendants' Answer to Complaint

Gentlemen: Please see attached letter.

Sincerely,

**Edward D. Manzo**  
Attorney at Law  
[emanzo@cookalex.com](mailto:emanzo@cookalex.com)

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*Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.*